

## MINUTES OF JANUARY 9, 2002

A special meeting of the Sussex County Board of Adjustment was held Wednesday evening January 9, 2002, at 7:00 P.M. in the Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, Dawn Heffelfinger, Planning and Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with the correction to hear 4 items under other business. Vote carried 5 – 0.

### OLD BUSINESS

**Case No. 7622 – Thomas and Barbara Zadorzany** – north of Road 331-A, north of Road 331-B, within Possum Point Subdivision.

A variance from the north and south side yard and rear yard setback requirements.

The Board discussed the case. Dawn Heffelfinger, Planning and Zoning Inspector, stated that the applicant obtained 2 permits; that the first permit was for a deck; that the second permit was to construct a screen porch on the existing deck; and that a certificate of compliance was never issued for the structures.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variances be denied since a certificate of compliance was never issued; and since the application does not meet the standards for granting a variance. Vote carried 5 – 0.

**Case No. 7624 – James Farrall** – north of Road 331-A, south of Road 331-B, Lot 1, within Possum Point Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case. Mr. Rickard noted that a permit was not obtained until the applicant received a violation.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be denied since a permit was not obtained at the time of construction; and since the application does not meet the standards for granting a variance. Vote carried 5 – 0.

**Case No. 7625 – James and Shirley Brittingham** – west of Road 331-B, north of Road 331-A, Lot 4, within Possum Point Subdivision.

A variance from the north side yard setback requirement.

The Board discussed the case. Mr. Rickard noted that a permit was not obtained.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be **denied since a permit was not obtained; since the application does not meet the standards for granting a variance; and since the hardship was created by the applicant.** Vote carried 5 – 0.

**Case No. 7626 – Shirley and James M. Brittingham, Jr.** – intersection of Road 331-A north of Road 331-B south, within Possum Point Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case. Mr. Rickard noted that a certificate of compliance was issued by Planning and Zoning in 1986.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be **granted since a certificate of compliance was issued; and since the hardship was not created by the applicant.** Vote carried 5 – 0.

**Case No. 7627 – Wm. Brittingham** – north of Road 331-A, east of Road 331-B, within Possum Point Subdivision.

A variance from the south side yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be **denied since a permit was not obtained; and since the application does not meet the standards for granting a variance.** Vote carried 5 – 0.

**Case No. 7629 – John L. and Eleanor S. Peterson** – east of Road 331-B, 400 feet north of Road 331-A, within Possum Point Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be **denied since a permit was not obtained until after construction; since the application does not meet the standards for granting a variance; and since a certificate of compliance was not issued.** Vote carried 4 – 0 – 1, with Mr. Hudson abstaining.

**Case No. 7631 – Catherine E. Powell** – intersection of Road 331-B west and Road 331-A north, within Possum Point Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case. Dawn Heffelfinger, Planning and Zoning Inspector, stated that the shed existed when the applicant purchased the property.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variance be **granted since the hardship was not created by the applicant.** Vote carried 5 – 0.

**Case No. 7634 – Ray and Geraldine Wharton** – east of Road 331-A, west of Road 331-B, within Possum Point Subdivision.

A variance from the southwest and south side yard setback requirements.

The Board discussed the case. Mr. Rickard noted that a permit was not obtained until after the applicant received a violation.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be **denied since a permit was not obtained; since the application does not meet the standards for granting a variance; and since the hardship was created by the applicant.** Vote carried 5 – 0.

**Case No. 7637 – Daniel and Dorothy Lecates** – north of Road 331-A, northwest side of Road 331-B, Lots 9, 10 and 25, within Possum Point Subdivision.

A variance from the front yard and east side yard setback requirements.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variances be **denied since a permit was not obtained; and since the application does not meet the standards for granting a variance.** Vote carried 5 – 0.

**OTHER BUSINESS**

- 1.) Mr. Rickard noted to the Board that Mr. Lank and Mr. Stickels have discussed the problem with needing a file for Camelot Mobile Home Park from storage and that he will correct the situation as soon as possible. Mr. Callaway and Mr. Berl stated that continuing to issue permits in Camelot will create more problems in the future.
- 2.) Mr. Rickard stated to the Board their request for a special meeting on March 11, 2002 for Board of Adjustment hearings was denied.
- 3.) Mr. Rickard stated to the Board that customers are stating that they thought it was the shed companies responsibility to obtain permits for them; that he sent Norman Oates, Planning and Zoning Inspector, to a couple of shed companies to pick up their contracts; and that the contracts clearly state that it is the customers responsibility to obtain permits.
- 4.) Mr. Rickard stated to the Board that he wanted to remind them that decks can encroach 5-foot into the setbacks as long as they are open, unenclosed and under 4-foot in height.

**Meeting Adjourned 8:20 P.M.**